

## United States District Court

JUN 13 2015

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Michael Josiah Davila

PRINCIPAL

United States

Case Number:

A208 271 950

YOB: 1996

M-15- 0970 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 11, 2015 in Starr County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Eduardo Soto-Rangel and Edgar Osvaldo Sic-Vasquez, citizens of the United Mexican States and Guatemala, along with four (4) other undocumented aliens, for a total of six (6) who had entered the United States in violation of law, did knowingly and intentionally conspire and agree together with other persons known and unknown to transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,


in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(v)(I), 1324 (a)(1)(A)(ii)

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On June 11, 2015, at approximately 4:45 p.m., Rio Grande City, Texas Police Department requested assistance from the Rio Grande City Border Patrol to identify several subjects they had encountered at the intersection of Aguirre Ave. and Ayala St, in Rio Grande City, Texas. Border Patrol Agent (BPA) J. Rivas responded to that intersection and made contact with Officer R. De La Cruz. Officer De La Cruz stated that he observed six subjects walking north on Aguirre Ave. towards a gray in color Chevrolet Camaro that was parked in the middle of the intersection of Aguirre Ave. and Ayala St. This area is in close proximity to the U.S. / Mexican border and has a reputation for being a notorious contraband and human smuggling route. This prompted Officer De la Cruz to investigate further.

**SEE ATTACHED:**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No
  
Signature of Complainant

Julio Ibarra Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,


June 13, 2015

Date

4:07 pm

at McAllen, Texas  
City and State

Peter E. Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-15- 0970 -M**

**RE: Michael Josiah Davila**

**A208 271 950**

**CONTINUATION:**

Officer De La Cruz notified other officers, in the area , of the activity and proceeded to move closer to the vehicle. Officer De La Cruz arrived at the intersection of Aguirre Ave. and Ayala St, where he observed six subjects running north towards a Lack's Furniture store and a gray in color Chevrolet Camaro that was parked in the middle of the intersection. Officer De La Cruz advised responding officers of the subjects running north and then proceeded to make contact with the driver of the vehicle, later identified as Michael Josiah Davila. The six subjects were subsequently found and detained by responding officers of the Rio Grande City, TX Police Department pending an immigration inspection by U.S. Border Patrol Agents.

BPA J. Rivas questioned the six subjects as to their citizenship and they freely admitted to being in the U.S. illegally, with no documents which would grant them legal status. The driver, Michael Josiah Davila, was questioned as to his citizenship, at which time he stated he was a United State Citizen. All subjects were subsequently placed under arrest, advised of their rights, and transported to the Rio Grande City Border Patrol Station for processing.

**PRINCIPAL STATEMENT:**

Michael Josiah Davila was read his Miranda Rights on scene and at the Rio Grande City Border Patrol station. Davila stated that he understood his rights and was willing to provide a statement without the presence of an attorney.

Davila told agents that he was in Rio Grande City, Texas, on June 11, 2015, with the intention of picking up illegal aliens. Davila further told agents that a friend, by the name of Aaron Diaz, had told him about the job. Davila accepted the job and was told the he would be paid an unknown amount of money, with a condition that it would be split between him and Aaron Diaz. Davila stated that he had been instructed to pick up the illegal aliens by a blue dumpster behind a Lacks furniture store in Rio Grande City, Texas. Davila continued to state that he knew where to pick up the illegal aliens, because he had previously attempted to pick up illegal aliens at that same location with Aaron Diaz. Davila stated that he was cognizant of the fact that it was illegal to transport illegal aliens.

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**CONTINUATION:**

**MATERIAL WITNESS STATEMENTS:**

Both material witnesses were read their Miranda rights. Both stated they were willing to provide statements without the presence of an attorney.

1. Eduardo Soto-Rangel, a citizen of Mexico, stated he was charged \$3,000 (USD) to be smuggled into the United States. After illegally crossing the Rio Grande River, he was told to cross a fence and run towards a blue trash dumpster, and wait to be picked up by a car. As Soto was running toward the blue trash dumpster he observed a light gray car. Eduardo Soto-Rangel was unable to identify the driver of the light gray car.

2. Edgar Osvaldo Sic-Vasquez, a citizen of Guatemala, stated that he was charged \$10,000 (USD) to be smuggled into the United States. After illegally crossing the Rio Grande River, he was to jump over a fence and go toward a blue trash dumpster. He was additionally told that once he was at the trash dumpster he would be picked up by a car. Edgar Osvaldo Sic-Vasquez was unable to identify the driver of the car.